

**CLEVELAND CITY COUNCIL  
MINUTES  
NOTICE OF REGULARLY SCHEDULED MEETING  
Thursday, March 10, 2022, 6:00 p.m.**

**Members of the Cleveland City Council met in a regularly scheduled meeting at 6:00 p.m. on Thursday, March 10, 2022, in the Council Chambers of the Cleveland Municipal Building located at 201 North Broadway, Cleveland, Oklahoma with Mayor Brian Torres presiding. The agenda for this meeting was posted on the front door of the Cleveland City Hall on March 9th, 2022, at 10:30 a.m.**

1. **Call to order.** Vice Mayor Chris Gabriel called the meeting to order at 6:00 p.m.
2. **Roll Call.** Clerk Ashley Schulze called roll with the following members present:  
**Present:** Damon Lester, Chris Gabriel, Anakin Bryan, Mike Carroll  
**Absent:** Brian Torres (arrived at 6:05 p.m.)
3. **Pledge of Allegiance.** Pledge of Allegiance was led by Councilor Anakin Bryan.
4. **Invocation.** Invocation was led by Councilor Damon Lester.
5. **Consideration of approval, rejection, amendment and/or postponement of the minutes as follows:**  
**City Council Minutes of February 10, 2022**  
The minutes from the previous minutes were reviewed by the Council. A motion to approve the meeting minutes as written of the regular meeting held on February 10, 2022 was made by Damon Lester and seconded by Mike Carroll. The motion carried with the following roll call vote: (4-0)  
**Aye:** Damon Lester, Chris Gabriel, Anakin Bryan, Mike Carroll  
**Nay:** None
6. **Consideration of acceptance, rejections, and/or amendment of the Treasurer's Report.** Treasurer Tim Muniz presented the treasurers report to the council. Mayor Torres asked about restricted money in the Sales Tax account. The monies from January 30, 1995 to May 14, 2020 are restricted funds; new ordinance was passed on May 14, 2020. Mr. Muniz stated that he would get the total amount of restricted/non-restricted funds for the next council meeting. A motion to approve the Treasurer's Report as presented was made by Brian Torres and seconded by Damon Lester. The motion carried with the following roll call vote: (5-0)  
**Aye:** Damon Lester, Chris Gabriel, Brian Torres, Anakin Bryan, Mike Carroll  
**Nay:** None  
\*\*This line item was done after the purchase orders.
7. **Discussion concerning list of purchase orders paid. Purchase orders were reviewed by council.** Councilor Mike Carroll questioned a deposit refund of \$4000.00 for the previous owners of the Cleveland Nursing Home. Clerk Ashley Schulze explained that there was a refund of \$4000.00 given but the new owners put up a new \$4000.00 utility deposit.  
\*\*This line item was done before the treasurer's report.
8. **Public Comments. All comments will be limited to agenda items only. Participants are required to sign in prior to the start of the meeting.** The following members from the public signed in to speak:  
Michelle Miller- as needed  
Karie Kellert- City Codes  
Paul Kellert- transportable building
9. **Discussion regarding mobile home ordinances, dilapidated properties, and portable buildings.** Paul Kellert signed in to speak about transportable buildings. Mr. Kellert started off by thanking Councilman Mike Carroll for his help. Mr. Kellert stated the city codes purpose was to provide health and safety, to protect property value, and to promote growth. Mr. Kellert expressed his concerns about the portable structure on Miami and C Ave. He believes that structures allowed in the city such as this, sets back property values in residential areas of the city. He is concerned about fire hazards, there is only one entrance, and 700 sq feet is not a livable structure. Mr.

Kellert informed the council there are roughly 40 mobile homes in Cleveland, 18 of those habitable 22 not habitable. There are also 20 modular homes 17 habitable, 3 not habitable; these numbers are just a rough estimate. In Cleveland there is One Tiny home on Miami. The business at Broadway/Caddo has portable buildings that are advertised as small homes. Mr. Kellert does not want more of these tiny homes in residential areas due to it bringing down property values. Mayor Torres stated that he sees where Mr. Kellert is coming from and that there are opportunities with the zoning/planning board in the future to help alleviate this problem. Attorney Brian Drummond said that he is seeing a lot of these tiny homes in different towns/cities. Councilor Anakin Bryan made the comment that it's a fad right now with minimalist living, and that he has a problem with taking rights away to citizens as to where certain structures can be within the city. Karie Kellert signed in to speak about dilapidated properties. City Manager Mike Vaughan explained that there is only \$7000.00 in the budget for abatements/cleanup. Brian Drummond stated that there is process and that the city is pretty aggressive on yards and junk it just takes time. Chief Stout made the comment that officers are constantly writing tickets for violation of weed, trash, junk or nuisance. Council man Chris Gabriel commented that everyone in the room wants to see this city cleaned up and to see our city grow. Karie Kellert stated this is a community problem and she wants to encourage the city to move forward with enforcing the city codes. Councilman Chris Gabriel agrees that residents need to be educated and thinks it would be a great idea to create a campaign to educate and encourage others to beautify the town. Paul Kellert made the suggestion to put city codes in the newspaper.

- 10. Consideration, discussion, and possible action to approve or reject quote from Action Safety Supply Co., in the amount of \$5825.00 for road striping at the intersection of Hwy 64 (Broadway Street) and Airport Road in the City of Cleveland.** City Manager Mike Vaughan commented that this is a safety issue that needs to be taken care of. Mayor Torres asked if there were any other quotes. Operations Manager stated no there was not. This quote was a very good price. Councilman Mike Carroll appreciates this as a bus driver as there are no lines currently on the road. A motion was made by Mike Carroll and seconded by Anakin Bryan to approve the quote from Action Safety Supply Co., in the amount of \$5825.00 for road striping at the intersection of Hwy 64 (Broadway Street) and Airport Road in the City of Cleveland. The motion carried with the following roll call vote: (5-0)

Aye: Damon Lester, Chris Gabriel, Brian Torres, Anakin Bryan, Mike Carroll

Nay: None

- 11. Consideration, discussion, and possible action to approve or reject naming Mike Vaughan as board member for COEDD (Central Oklahoma Economic Development District) and Clint Stout as the proxy board member for COEDD.** Council discussion occurred. A motion was made by Brian Torres and seconded by Mike Carroll to approve naming Mike Vaughan as board member for COEDD (Central Oklahoma Economic Development District) and Clint Stout as the proxy board member for COEDD. The motion carried with the following roll call vote: (5-0)

**Aye:** Damon Lester, Chris Gabriel, Brian Torres, Anakin Bryan, Mike Carroll

**Nay:** None

- 12. Consideration of adoption, rejection, amendment, and/or postponement of ORDINANCE No. 2022-642 : AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF CLEVELAND, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF CLEVELAND, OKLAHOMA ; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENTS; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY.** Amendments are proposed by the Oklahoma Municipal Retirement Fund to

**bring plan into compliance with IRS requirements and provide clarification in plan language. \*\*Emergency Clause to be voted on separately. \*\***

A motion was made by Brian Torres and seconded by Mike Carroll to adopt ORDINANCE No. 2022-642 : AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF CLEVELAND, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF CLEVELAND, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENTS; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY. The motion carried with the following roll call vote: (5-0)

**Aye:** Damon Lester, Chris Gabriel, Brian Torres, Anakin Bryan, Mike Carroll

**Nay:** None

**Emergency Clause:** A motion to adopt Ordinance NO. 2022-642 as Emergency was made by Brian Torres and seconded by Anakin Bryan. The motion carried with the following roll call vote: (5-0)

**Aye:** Damon Lester, Chris Gabriel, Brian Torres, Anakin Bryan, Mike Carroll

**Nay:** None

- 13. Consideration of adoption, rejection, amendment, and/or postponement of ORDINANCE No. 2022-643 : AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF CLEVELAND, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF CLEVELAND, OKLAHOMA ; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENTS; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY. Amendment proposed to set Pick-Up Option amount at 1% of his or her compensation.**

**\*\* Emergency Clause to be voted on separately. \*\***

A motion was made by Brian Torres and seconded by Anakin Bryan to adopt ORDINANCE No. 2022-643 : AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF CLEVELAND, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF CLEVELAND, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE

DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENTS; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY.

**Emergency Clause:** A motion to adopt Ordinance NO. 2022-643 as Emergency was made by Brian Torres and seconded by Anakin Bryan. The motion carried with the following roll call vote: (5-0)

**Aye:** Damon Lester, Chris Gabriel, Brian Torres, Anakin Bryan, Mike Carroll

**Nay:** None

**14. City Manager's Report which may include updates and/or announcements of events, projects, and general operations of the City of Cleveland.**

Mercy Report- logged 138 calls for service, 76 patients treated and transported, 16 transfers out of CAH. Brian Torres asked for Brian Cook from Mercy to come and give a breakdown of in city limits and out of city limits. Utility billing for January was \$473,053.87, ↑ \$76,736.18 from previous month, ↑ \$78,130.38 from previous year. Gas for January was \$230,188.60, previous year it was at \$187,724.85, this is due to more gas usage not a price increase. Gas prices to residents have not been raised since 2009.

Pool liner will be sprayed April 1<sup>st</sup>.

Sales tax- \$163,833.00, ↓ \$12,682.12 from previous year.

Use tax- \$16,526.84, ↓ \$1561.49 from previous year.

Ball fields/Billy Vessels Park- Trying to vamp it up, currently working on the drainage issue, concrete curb will be poured in the next few weeks. Needs new dirt put out and lighting issue fixed. This is a beautiful city park and needs to be taken care.

**Operations Manager Report**

Police Department did a warrant round up in Hominy.

All vehicles that were donated to the police department are up and running.

Police Department is getting a new K-9 Lab, will be able to take up to the schools, two grants are funding. A police officer and K-9 will go through a 3-8 week course to get certified.

Bola Wraps are in and training will be next week – Second agency in the State to have these.

\$2,000.00 grant from the U.S. Sheriff's Association.

**15. Adjournment.** A motion to adjourn was made by Brian Torres and seconded by Damon Lester. The motion carried with the following roll call vote: (5-0)

**Aye:** Damon Lester, Chris Gabriel, Brian Torres, Anakin Bryan, Mike Carroll

**Nay:** None

The meeting adjourned at 7:31 p.m.

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Brian Torres, Mayor

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Ashley Schulze, City Clerk